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PATENT  
450118-02330

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Kazuyuki SAKODA et al.

Serial No. : 09/647,964

For : INFORMATION DISTRIBUTION SYSTEM AND METHOD,  
TERMINAL APPARATUS, SERVER APPARATUS, DATA  
RECEPTION METHOD, AND DATA TRANSMISSION METHOD

Filed : January 8, 2001

Examiner : Thomas E. Volper

Art Unit : 2665

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JUL 16 2004

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William S. Frommer, Reg. No. 25,506

Name of Applicant, Assignee or Registered Representative

William S. Frommer  
Signature

July 8, 2004

Date of Signature

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action dated June 14, 2004, wherein restriction was required among the claims as follows:

Group I, claims 1-8 and 25-32, characterized by the Examiner as being directed to an information distribution system having a terminal apparatus and a server apparatus;

Group II, claims 9-17 and 33-39, characterized by the Examiner as being directed to a terminal apparatus; and

Group III, claims 18-24 and 40-47, characterized by the Examiner as being directed to the server apparatus.

It is noted that the claims of Group I are linking claims, consistent with the description set out in MPEP section 809. Accordingly, and in accordance with PTO practice, if applicants elect either the Group II or Group III claims, the linking claims of Group I should be examined with the elected Group.

Applicants elect, with traverse, Group II claims 9-17 and 33-39, along with Group I claims 1-8 and 25-32. Therefore, claims 1-17 and 25-39 are elected for further prosecution in this application.

It is submitted that a search for the invention defined by the claims of Groups I and II will require a search that encompasses the claims of Group III and, thus, all of the groups of claims of the instant application will be searched. Therefore, if the present requirement for restriction is maintained, the logical result will be the filing of a divisional application to include the claims encompassed by the non-elected group. Of course, this will mean that the examination of such claims will be delayed. However, since the search for the claims included in the divisional application will overlap with and, in all probability, be identical to the search that is to be conducted on the claims elected herein, the primary effort needed to examine all applications will be repeated. Furthermore, it is likely that the same Examiner will be in charge of the divisional case; but in light of the delay between the prosecution of the present application and that of the divisional application, the Examiner will have to conduct a duplicate, redundant search at a later time. Alternatively, if a different Examiner is assigned to the divisional

application, a significant loss of PTO efficiency will result in his examination of the divisional case. After all, the present Examiner will be the individual in the best position to examine all applications and he will be fully familiar with the subject matter of the divisional application.

Therefore, since the only logical outcome of the present restriction requirement would be to delay the examination of the claims included in Group III, resulting in inefficiencies on the part of the Office and unnecessary expenditures by Applicants, and since the single search can be done for all claims without any significant burden on the Office, the withdrawal of the instant restriction requirement and the examination on the merits of all of claims 1-47 are respectfully solicited.

Respectfully submitted,  
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WSF:lf